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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/578,508	05/26/2000	Richard T. McNamar	056980/0102	7988

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FOLEY AND LARDNER  
SUITE 500  
3000 K STREET NW  
WASHINGTON, DC 20007

EXAMINER
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SUBRAMANIAN, NARAYANSWAMY

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 07/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/578,508

Applicant(s)

MCNAMAR ET AL.

Examiner

Narayanswamy Subramanian

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20,22-49,61,66-70,140,142 and 143 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20,22-49,61,66-70,140,142 and 143 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This is in response to Applicants' communication dated February 28, 2005. Claims 1-20, 22-49, 61, 66-70, 140, 142 and 143 are pending in the application and have been examined. The rejections and response to arguments are stated below.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-20, 22-49, 61, 66-70, 140, 142 and 143 are rejected under 35 U.S.C. 103(a) as being unpatentable over et al Weiss et al (US Patent 6,131,810) in view of Norris (US Patent 5,870,721 C1) and further in view of Musmanno et al (US Patent 5,826,243).

With reference to claims 1, 70 and 140, Weiss teaches a computer implemented method, a computer data storage medium having program code recorded thereon and a system respectively for providing a client with an integrated financial management account, the integrated financial management account including an investment component linked to a loan component, the method comprising the steps of: receiving application data for the integrated financial management account (See Weiss Claim 1); setting up the integrated financial management account with investment component data and loan component data associated with an account file (See Weiss abstract and claims 5 and 8); contemporaneous with setting up the integrated financial management account in the account file, associating an investment asset to the investment component data in the account file wherein the client is credited with the

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investment asset in the investment component of the integrated financial management account (See Weiss Column 4 lines 37-39); and qualifying the client for a loan in the loan component of the integrated financial management account and recording the qualification in the account file (See Weiss Column 14 lines 58-67). A computer data storage medium having program code recorded thereon and a system for providing a client with an integrated financial management account are inherent in the disclosure of Weiss. The term “contemporaneous” is given its broadest plain meaning to include “originating, existing or happening during the same period of time”. The same period of time is “the single session when the integrated is opened by a customer”.

Weiss does not explicitly teach the steps of receiving application data online directly from the client; setting up the investment component and loan component associated with an account file at the time of setting up of the integrated financial management account; linking the loan component data to the investment component data in the step of setting up the integrated financial management account; disbursing the proceeds of the loan component into the investment component after successful loan qualification, or after unsuccessful qualification, removing the association of the investment asset to the investment component data in the account file.

Norris teaches the steps of receiving application data online directly from the client (See Norris Column 2 lines 18-21 and claim 1(a)) and disbursing the proceeds of the loan into the after successful loan qualification (See Norris claim 3). The applicant’s account is interpreted to include the investment component of the applicant’s account.

Both Weiss and Norris are concerned with the problem of providing credit accounts to a user in a single session. It would have been obvious to one with ordinary skill in the art at the time of the current invention to include the disclosure of Norris to the invention of Weiss. The combination of the disclosures taken as a whole suggests that applicants would have benefited from being able to apply directly in one session without human intervention and thereby maintain their privacy.

Weiss and Norris combined do not explicitly teach the steps of setting up the investment component and loan component associated with an account file at the time of setting up of the integrated financial management account; linking the loan component data to the investment component data in the step of setting up the integrated financial management account; and after unsuccessful loan qualification, removing the association of the investment asset to the investment component data in the account file.

Musmanno teaches the steps setting up subaccounts associated with a master account at the time of setting up the master account (See Musmanno Column 1 lines 29-33, 43-46, Column 2 lines 24-39, lines 44-47 and Column 3 lines 23-31); linking the loan component data to the investment component data in the step of setting up the integrated financial management account (See Musmanno Column 1 lines 29-33, 43-46, Column 2 lines 24-39, lines 44-47 and Column 3 lines 23-31); and after unsuccessful loan qualification the master account and subaccounts are closed or not activated (See Musmanno Column 3 lines 43-47). The subaccounts are interpreted to include investment accounts (mutual fund accounts) and loan accounts (margin securities brokerage accounts) and the step of not activating or closing subaccounts is interpreted to include removing the association of the investment asset to the investment component data in

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the account file. In a securities brokerage account, the margin (loan) component of the account is linked to the investment component. As the value of the investment component fluctuates with the market, the loan component will be affected (if investment value drops significantly, investor may get a margin call).

Weiss and Musmanno are concerned with the problem of providing integrated financial services to a user in a single session. It would have been obvious to one with ordinary skill in the art at the time of the current invention to include the disclosure of Musmanno to the invention of Weiss. The combination of the disclosures taken as a whole suggests that applicants would have benefited from being able integrate credit features with brokerage and mutual fund accounts in a seamless fashion.

With reference to claims 22, 142 and 143, Weiss discloses computer implemented method, a computer data storage medium having program code recorded thereon and a system for providing a client with an integrated financial management account according to claims 1, 70 and 140 respectively, wherein contemporaneous with setting up the integrated financial management account in the account file performing the steps of: displaying detailed insurance options for selection by the client (See Weiss Column 6 lines 62-66, the prompts are interpreted to include insurance options); and associating a portfolio insurance selected by the client with an insurance component data of the integrated financial management account (See Weiss Column 4 lines 36-38 and Column 6 line 62 – Column 7 line 5). Weiss further discloses providing the user to invest in derivatives (See Weiss Column 4 lines 34-39), which implies portfolio insurance.

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With reference to claims 2-7, 9, 11-13, 16-20, 23-36, 38, 39, 42, 43, 46-49, 68 and 69 Weiss, Norris and Musmanno combined teach the steps wherein the investment asset associated with the investment component data is selected from a predetermined list of investments (See Weiss Figure 1); wherein the step of setting up the integrated financial management account includes pre-qualifying the client and, wherein the step of pre-qualifying the client includes the step of determining a preliminary credit score for the client and determining that the preliminary credit score meets a predetermined threshold score (See Weiss Col 14 lines 52-62); wherein the title in the investment asset remains with a provider of the integrated financial management account until the step of disbursing the proceeds of the loan component is recorded in the investment component data in the account file (See Weiss Col 16 lines 9-16 and Norris Col 8 lines 54-59); wherein the type of the loan in the loan component is stored as loan component data in the account file, and wherein the type of the loan includes a mortgage loan (See Weiss Col 18 lines 32-45); wherein the type of the loan in the loan component is one of a first mortgage, a second equity mortgage loan, a third equity mortgage loan, other subordinate mortgage loan, and a reverse mortgage (See Weiss Col 18 lines 32-45); wherein a type of the investment asset is stored in the investment component data in the account file and includes one of an equity-index fund, a bond-index fund, and a combination of an equity index fund and a bond index fund and a mutual fund (See Weiss Col 4 lines 35-40); wherein the step of qualifying the client includes calculation of a credit score for credit approval (See Norris Col 6 lines 20-27); notifying the client whenever either the loan component or the investment component achieves a client configurable benchmark value (See Musmanno Col 1 lines 41-46, required and maintenance margins are the benchmark value); marking to market the investment

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asset and the loan, in real time or near real time, and updating the investment component data and the loan component data and communicating the updated data to the client (See Musmanno Col 1 lines 41-46, these steps are inherent in margin trading); marking to market, in real time or near real time, and updating the investment component data and the loan component data and communicating the updated data to the client; and notifying the client automatically whenever the value of either the investment component asset or the loan in the loan component reaches or exceeds a configurable benchmark (See Musmanno Col 1 lines 41-46, the broker will notify the investor with a margin call when the loan exceeds the maintenance threshold); wherein the step of receiving application data is performed through the Internet or other electronic network (See Norris Claim 1); the step of receiving application data includes the step of an online filling of an application form at an online terminal (See Norris claim 1); wherein the online terminal includes one of a laptop computer, a notebook computer, a hand held computer, a pager, a web-enabled television, telephone, and other wireless device (See Norris Col 3 lines 1-3); wherein the step of receiving the application data includes the step of an online filling of an application form by one of the client and a third party at an online terminal (See Norris Col 2 line 51 – Col 3 line 7); wherein the online terminal is located at one of a bank branch, a bank ATM, a booking office, an affinity group office, a telephone call center, a retail store, a brokerage house, the client's home, and the client's office (See Norris Col 2 lines 60-65); wherein the insurance option displayed includes a life and disability insurance for a duration between providing the client with the investment asset and a specific time determined by the client or a provider of the integrated financial management account (See Col 4 lines 40-42); the steps of storing information regarding pledges of additional

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qualified assets in the loan component data associated with the account file; calculating and providing an additional loan against the pledged assets and storing the additional loan information in the loan component data associated with the account file; and investing the proceeds of the loan to purchase additional investment assets and storing information regarding the additional investment assets in the investment component data associated with the account file (See Musmanno Col 1 lines 26-45 and Col 2 lines 43-47, these steps are inherent in a margin securities brokerage account); the step of qualifying the client for a loan includes the step of retrieving, through an electronic network, both the client's credit history, and title history and appraisal on a property that is associated with the loan component data in the account file (See Weiss Col 18 lines 32-60); further including displaying account management options for a client to administer the integrated financial management account online on a real or near real time basis seven days a week and twenty four hours a day (See Weiss Col 5 lines 38-42 and Musmanno Col 3 lines 14-19); further including displaying account management options for a client to administer the integrated financial management account online by modifying stored parameters related to the loan component data and the investment component data (See Musmanno Col 3 lines 14-19); the step of receiving application data includes receiving and verifying an electronic signature (See Norris Col 6 line 55 – Col 7 line 40); further including the steps of displaying a plurality of retirement planning options for selection by a client; and calculating and displaying an account value in response to the selected retirement planning option (See Weiss Figure 5F, Col 4 lines 41-44 and Col 17 lines 44-55); further including the step of providing an interface for making payments to the integrated financial management account using one of a credit card, a debit card, a smart card, and

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debiting a checking account (See Musmanno Col 1 lines 25-34); further including the step adding to the investment component data the additional purchased investment asset (See Musmanno Col 1 lines 42-46 and Col 2 lines 42-47); wherein a credit card, a debit card, and a smart card are used to pay account fees (See Musmanno Col 3 lines 36-39, subaccounts include credit cards also); further comprising the steps of: determining an increase in value of the investment asset based on the investment component data associated with the account file; calculating an additional margin loan for the increase in value of the investment asset; and updating the investment component data with additional investment assets purchased using the additional margin loan (See Musmanno Col 1 lines 40-46, these steps are inherent in a margin securities brokerage account); wherein the online terminal includes one of a computer terminal and a web enabled television (See Norris Col 2 lines 51-61); wherein the online terminal includes an Internet enabled device for accessing the Internet (See Norris Col 3 lines 1-3); further comprising the step of: displaying help and options using multi-media displays to sell, explain or solicit the integrated financial management account (See Weiss Col 8 lines 15-30); wherein the multi-media display includes audio and video streams (See Weiss Col 8 lines 25-30); further comprising the step of displaying an online interface to interactively configure the benchmarks (See Musmanno Figure 4 and Col 1 lines 41-46, required and maintenance margins are the benchmark value); calculating and storing a reduction in the loan balance in the loan component data based on transferring proceeds of a sale of investment assets whose information is stored in the investment component data (See Musmanno Col 1 lines 40-46 and Col 2 lines 42-47); displaying an option for increasing, by the client, the outstanding balance in the loan component to generate additional funds; and transferring the additional funds to the

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investment component to update the investment component data associated with the account file (See Musmanno Col 1 lines 42-46 and Col 2 lines 42-47); wherein the account dues includes insurance fees or asset management fees (See Musmanno Col 3 lines 33-39); further including the step of: storing a provider-assigned percentage of the investment assets in the investment component data associated with the account file in order to indicate that a percentage of the investment assets in the investment component has been assigned to the provider of the integrated financial management account to pay fees on the investment component (See Musmanno Col 3 lines 39-46); storing a provider-assigned percentage of the investment assets in the investment component data associated with the account file in order to indicate that a percentage of the investment assets in the investment component has been assigned to the provider of the integrated financial management account to pay any account dues (See Musmanno Col 3 lines 39-46); wherein the step of receiving application data is performed by a bank, and wherein the investment asset, in the step of crediting the investment component of the integrated financial management account, is purchased by an Internet company having an agreement with the bank (See Musmanno Col 1 lines 12-46, Financial institutions include a bank and CMA accounts include these features); calculating an increase in the value of an asset whose lien data is associated with the loan component in the loan component data; and determining an additional loan amount eligibility in the loan component based on the calculated increase in the value of the asset (See Musmanno Col 1 lines 39-49, these steps are inherent in a margin securities brokerage account); and associating additional investment assets with the investment component data based on additional investment assets purchased with the proceeds of the additional loan amount eligibility determined based on the

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calculated increase in the value of the asset (See Musmanno Col 1 lines 39-49, these steps are inherent in a margin securities brokerage account).

With reference to claims 8, 10, 14, 15, 37, 40, 41, 44, 45, 61, 66 and 67, Musmanno, Norris and Weiss combined do not explicitly the features in these claims. Official notice is taken that such limitations are old and well known in the art and would have been obvious to one with ordinary skill in the art at the time of the invention. These limitations provide the account holders with the convenience of dealing with one account in a user-friendly way, integrated record keeping and also saved them valuable time and money.

#### ***Response to Arguments***

4. In response to Applicants' assertion that all the cited references fail to show the step of "contemporaneous with the step of setting up the integrated financial management account in the account file, associating an investment asset to the investment component data in the account file based on the linking the loan component data to the investment component data", the examiner respectfully disagrees. Weiss clearly teaches this step as disclosed in Weiss Abstract, Column 4 lines 37-39, claims 1, 5 and 8). The term "contemporaneous" is given its broadest plain meaning to include "originating, existing or happening during the same period of time". The same period of time is "the single session when the integrated is opened by a customer".

In response to Applicant's arguments that it is not clear as to which features are rejected based on official notice, the rejection above has been clarified to explain which features are rejected based on official notice.

Applicant's other arguments have been considered but are not persuasive.

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Narayanswamy Subramanian whose telephone number is (571) 272-6751. The examiner can normally be reached Monday-Thursday from 8:30 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached at (571) 272-6747. The fax number for Formal or Official faxes and Draft to the Patent Office is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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N. Subramanian

July 5, 2005

A handwritten signature in black ink, appearing to read "Jagdish N. Patel", written in a cursive style.

Jagdish N. Patel  
Primary Examiner